

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JANE DOE 3,

Plaintiff,

v.

RED ROOF INNS, INC., VARAHI
HOTEL, LLC, FMW RRI NC, LLC,
WESTMONT HOSPITALITY
GROUP, INC., RRI III, LLC, ,
WYNDHAM HOTELS & RESORTS,
INC., MICROTEL INNS AND
SUITES FRANCHISING, INC.,
KUZZINS BUFORD, LLC, 2014 SE
OWNER 5-EMORY, LLC, LAXMI
DRUID HILLS HOTEL, LLC, JHM
HOTELS MANAGEMENT, INC.,
AURO HOTELS MANAGEMENT,
LLC, HILTON FRANCHISE
HOLDINGS, LLC, HILTON
DOMESTIC OPERATING
COMPANY, INC., HILTON
WORLDWIDE HOLDINGS, INC., 42
HOTEL CUMBERLAND LLC,
ENCORE CUMBERLAND LLC,
EXTENDED STAY AMERICA, INC.,
ESA MANAGEMENT, LLC, ESA P
PORTFOLIO, LLC, F/K/A BRE/ESA P
PORTFOLIO, LLC, ESA P
PORTFOLIO OPERATING LESSEE,
LLC and JOHN DOES 1-10.

Defendants.

Civil Action No.
1:19-cv-03843

JURY TRIAL DEMANDED,
Pursuant to Fed. R. Civ. P. 38

DEFENDANT 42 HOTEL CUMBERLAND, LLC'S MOTION TO DISMISS

COMES NOW Defendant 42 Hotel Cumberland LLC ("this Defendant"), and pursuant to Fed. R. Civ. P. 12(b)(6), hereby respectfully requests that the Court grant a dismissal in its favor.

To avoid duplication and repetition, this Defendant adopts the arguments made by the other Defendants in this matter in their respective dispositive motions and briefs [Docs. 125, 145, 151, 152, 153, 155, and 156] to the fullest extent applicable to the claims against this Defendant. With the exception of the Counts being numbered differently, the arguments and defenses raised by the other Defendants collectively apply to the claims asserted against this Defendant, and for the reasons set forth at length by the other Defendants, the claims against this Defendant should similarly be dismissed.¹

Respectfully submitted this 27th day of January 2020.

HAWKINS PARNELL & YOUNG ^{LLP}

/s/ Matthew F. Barr

Matthew F. Barr
Georgia Bar No. 039481

¹ This Defendant only recently received notice of this action, via certified mail. Defendant has answered the Complaint (raising improper service as an affirmative defense) within 21 days of receipt of the Complaint. Defendant is now aware that the Court previously set a deadline for filing Motions to Dismiss of January 20, 2020, and so Defendant has filed this Motion as soon as possible following notice of the suit.

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Cumberland, LLC*

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CERTIFICATE OF SERVICE

This is to certify that on the 27th day of January 2020, the foregoing **DEFENDANT 42 HOTEL CUMBERLAND, LLC'S MOTION TO DISMISS** was filed with the Clerk of Court using the EM/ECF system which will send e-mail notification to all counsel of record for this matter.

HAWKINS PARNELL & YOUNG^{LLP}

/s/ Matthew F. Barr

Matthew F. Barr
Georgia Bar No. 039481

*Counsel for Defendant 42 Hotel
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